

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,124

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for food stamps. The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

The petitioner is a young single man with income of \$364.00 a month in Social Security Disability and \$658.43 a month in wages from part-time employment. His claimed expenses are for food and maintaining a car.⁽¹⁾ There is no indication that the Department did not consider all the pertinent deductions from income for which the petitioner may have qualified.

ORDER

The Department's decision is affirmed.

REASONS

The Department allowed the petitioner a "standard" earnings deduction of 20 percent from his earned income of \$131.69 and a preset "standard deduction" from his unearned income of \$131.00. This left the petitioner with a net food stamp income of \$759.74, well over the maximum for a one person household of \$581.00. The only other deduction in the regulations that might apply to the petitioner would be a "shelter deduction". See F.S.M. § 273.9(d). At this time, however, the petitioner is not reporting any shelter expenses.

If the petitioner's situation should change--if, for example, he begins incurring shelter expenses, or if his income is reduced--he should promptly reapply for food stamps. As of now, however, inasmuch as the

Department's determination appears to be correct, the Board is bound by law to affirm it. 3 V.S.A § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

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1. The petitioner reported that he had moved out of his apartment and was either staying with friends or relatives, or was living in his car.